| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/967,108 | 09/28/2001 | James M. Colemon | 42390P12314 | 8096 |

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| EXAMINER |
|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2645 | 17 |

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 January 2004*.

2a)☒ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

1.      Newly submitted claims 34 and 35 are directed to an invention that is

independent or distinct from the invention originally claimed for the following reasons:

newly added claims 34 and 35 are directed to a housing structure that contains

hardware cards(boards) for the interconnection of applicant's original invention. This

would require a separate distinct search for the interconnection of hardware

components within applicant's integrated system apparatus which is separately

classified in Class 379 subclasses 308+ and 327+. Examiner also notes that claim 35

depends on a cancelled claim 32.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 32 and 33 withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §

821.03.

### *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claims 1, 11, 14, 17, 22, and 25 the disclosed

specification does not support and enable the limitations as claimed, more specifically

"...the call handle being generated by the switch independent of the caller's identity and

ANY data received by the caller" Applicant refers to paragraphs 29 lines 1-2 and

paragraph 12 lines 2-3 as support but examiner disagrees as this does not enable the

generation of a call handle independent of ANY data received by the caller. Paragraph

29 lines 1-2 discloses generation based on the calling party, time of receipt, or any other

information. "time of receipt" is the only data which the switch does not receive from the

caller. The "time of receipt" can not be used for claim interpretation as the system does

not support using the time of receipt(call handle) to retrieve caller information nor does

the specification discloses time of receipt as in-band signaling tones to send for routing

purposes. ANI, DNIS(the called number), or DTMF are all data that the switch receives

from the caller. Internal and line numbers are not supported by the specification to

enable one skilled to make and use the invention which is needed to follow through

claim interpretation. For example claim 2 states 'receiving a tone sequence and

deriving the call handle from the tone sequence', the specification does not support

receiving a tone sequence that is not received from the caller.

Appropriate correction is required.


### Claim Rejections - 35 USC § 102

3.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**4.      Claims 1-31 rejected under 35 U.S.C. 102(b) as being anticipated by**

**Backaus et al., Patent #5459779.**

Regarding claims 1 and 11, Backaus teaches, as best understood due to the 112

1$^{st}$ paragraph issues, a method and machine-readable medium comprising:

receiving an incoming call at a port of an automated attendant from a telephone switch

(col.1 lines 36-48)

receiving a call handle associated with the incoming call at the automated attendant

from the telephone switch, the call handle being generated by the switch independent of

the caller's identity and any data received from the caller (col.1 lines 52-59)

applying the call handle to retrieve caller information associated with the call handle and

using the retrieved caller information at the automated attendant to handle the call if

caller information associated with the call handle is found (col.1 lines 52-67).

Regarding claims 2, Backaus teaches the method of claim 1, wherein receiving a

call handle comprises receiving a tone sequence at a port of the automated attendant,

decoding the tone sequence, and deriving the call handle from the decoded tone

sequence (col.2 line 59-col.3 line 13).

Regarding claim 3, Backaus teaches the method of claim 2, wherein the tone

sequence is a DTMF tone sequence transmitted to the port over the same transmission

line as the incoming call(col.2 line 59-col.3 line 13).

Regarding claims 4 and 5, Backaus teaches the method of claim 1, wherein receiving a call handle comprises receiving a call handle message through a digital interface which comprises a digital backplane connection to a switch from which the incoming call was received (col.2 lines 40-45; *the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes and also IXC/LEC switches).*

Regarding claim 6, Backaus teaches the method of claim 1, further comprising requesting data from the caller and storing received data in association with the call handle (col.2 line 59-col.3 line 13).

Regarding claim 7, Backaus teaches the method of claim 1, wherein using the retrieved caller information comprises providing audio information in a language previously selected by the caller (col.2 lines 50-58 and col.3 lines 39-54).

Regarding claims 8, 12, and 13 Backaus teaches the method and medium of claims 1 and 11, if no caller information associated with the call handle is found or if the call is not a forwarded call *(all calls can be considered forwarded from the originating caller forwarded to any system),* the instructions further comprising:
 requesting caller information from the caller *(col.3 lines 3-13; specific caller information is not known until the caller enters his/her PIN)*
storing received caller information in association with the call handle; and using the received caller information to handle the call (col.3 lines 10-33)

Regarding claim 9, Backaus teaches the method of claim 1, further comprising receiving an indication of whether the call is a forwarded call and wherein retrieving

caller information and using the retrieved information are performed only if the call is a

forwarded call *(col.2 line 62-col.3 line 13; the IXC is indicated that an incoming*

*forwarded call is received-all calls can be considered forwarded from the originating*

*caller forwarded to any system).*

Regarding claim 10, Backaus teaches the method of claim 9, if the call is not a

forwarded call, further comprising:

requesting caller information from the caller*(col.3 lines 3-13; specific caller information*

*is not known until the caller enters his/her PIN)*

storing received caller information in association with the call handle and using the

received caller information to handle the call (col.3 lines 10-33).

**Regarding claim 14, Backaus** teaches, as best understood due to the 112 1$^{st}$

paragraph issues, an apparatus comprising:

an automated attendant port(110 Fig.1) to receive an incoming call from a telephone

switch (102 Fig.1);

an automated attendant port to receive a call handle associated with the incoming

call from a telephone switch, the call handle being generated by the switch independent

of the caller's identity and any data received from the caller(col.1 lines 36-59)

a memory containing caller information associated with call handles (col.3 lines 8-20);

and a processor to apply the call handle to retrieve caller information and use the

retrieved caller information to handle the call if caller information associated with the

call handle is found (col.3 lines 8-13).

Regarding claims 15 and 16, Backaus teaches the apparatus of claim 14,
wherein the automated attendant port to receive the call handle comprises a digital
interface which is a digital backplane connected to a switch (col.2 lines 40-45; *the
ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital
interfaces/backplanes and also IXC/LEC switches*).

**Regarding claims 17 and 22, Backaus** teaches, as best understood due to the
112 1st paragraph issues, a method and a machine readable medium with instructions
comprising:

receiving an incoming call at a telephone switch (col.2 lines 26-29);

generating a call handle independent of the caller's identity and any data received from
the caller as a set of in-band signaling tones for the incoming call at the telephone
switch (col.1 lines 36-48)

routing the incoming call and associated call handle to a port of a call handling
system(IXC's 110/112 Fig.1) as in-band signaling tones (col.3 line 34-col.4 line 7);

transferring the routed call at the telephone switch from the call handling system
and re-routing the incoming call from the telephone switch back to a port of the call
handling system and sending the call handle as in-band signaling tones from the
telephone switch to the call handling system in association with the re-routed call
(*abstract, col.4 lines 8-21 and 33-60; the call can be routed back-and-forth through the
system and the call handle is stored so the caller does not have to re-verify his
information*).

Regarding claim 18, Backaus teaches the method of claim 17, wherein sending the call handle comprises deriving a tone sequence for the identification, coding the tone sequence into tones and sending the tone sequence to the call handling system port [col.3 line 55-col.4 line 7; the number is a tone sequence which are tones sent to the call handling system (IXC 110/112 of Fig.1)].

Regarding claim 19, Backaus teaches the method of claim 18, wherein the tone sequence is a DTMF tone sequence transmitted to the port over the same transmission line as the incoming call *(col.3 line 55-col.4 line 7; the caller pressing the DTMF digits are in-band transmitted over the incoming call transmission line)*.

Regarding claims 20-24, Backaus teaches the method and machine readable medium of claims 17 and 22, wherein sending the call handle comprises sending an identification message through a digital interface comprising a digital backplane connection to the call handling system (col.2 lines 40-45; *the ISDN/PRI network in Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes and also IXC/LEC switches)*.

Regarding claim 25, Backaus teaches, as best understood due to the 112 1st paragraph issues, an apparatus comprising:

a port to receive an incoming call (110 Fig.1);

a call handle generator to generate a call handle for the incoming call independent of the caller's identity and any data received from the caller as a set of in-band signaling tones (col.1 lines 36-57, *col.3 line 55-col.4 line 7; the caller pressing the DTMF digits are in-band signaling tones)*;

a switching network to route the incoming call from the receiving port to a port of a call

handling system (112 Fig.1;) ;

and an interface to send the generated call handle as in-band signaling tones to the

port of the call handling system in association with the routed call *(col.3 line 34 -col.4*

*line 7).*

Regarding claims 26 and 27, Backaus teaches the apparatus of claims 25 and

26, wherein the interface comprises a digital interface and a digital backplane

connection to the call handling system (col.2 lines 40-45; *the ISDN/PRI network in*

*Backaus Fig.1 include digital switches that comprises of digital interfaces/backplanes*

*and also IXC/LEC switches).*

Regarding claims 28-31, Backaus teaches releasing the call to the switch and,

after sufficient time, deleting caller information associated with the call handle and

reusing the call handle for another call (col.3 lines 55-67; each call has a unique

identifier and caller information is deleted, reason why the identifier needs to be created

each time a call is made to the number).

### *Response to Arguments*

5.     Applicant is reminded that the newly added limitation of "generating a call handle

independent of the caller's identity and ANY data received from the caller" raises 112 1st

paragraph enablement issues, see 112 rejection explanation above. Therefore, as best

understood due to the confusion with 112 1st paragraph issues, the prior art of record

Backaus, still stands.

### *Conclusion*

6.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph T Phan whose telephone number is 703-305-

3206.  The examiner can normally be reached on M-TH 9:00-6:30, in every other

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on 703-305-4895.  The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


JTP
March 18, 2004


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